IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7918 OF 2004

Pooja Dilip Gosavi & Ors. .. Petitioners
Versus
State of Maharashtra & Ors. .. Respondents

Mr.V.M.Thorat for petitioners
Mr.Girish Kulkarni for respondent No.3
Mr.V.P.Malankar, A.G.P.
Mr.Beena Menon for respondent No.6
Mr.V.D.Patil for respondent No.4.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.
**DATE : 6TH DECEMBER 2004.**

P.C.

. Rule. Respondents waive service. By consent rule is made returnable forthwith. Heard Advocates.

2. Petitioners are students of first year B.Arch. Course. For the academic year 2003-04, State Government left the matter of admission to the respective colleges. Accordingly advertisement was issued by N.D.M.V.P. Samaj's

College of Architecture for admission to B.Arch Course. As per the advertisement following was the criteria for eligibility for seeking admission:-

> " No candidate with less than 50% marks in aggregate shall be admitted, unless he/she has passed an examination at the end of the new 10 + 2 scheme of Senior School Certificate Examination or equivalent with Mathematics and English as special subjects of examination at the 10 + 2 level. The admission shall be subject to an aptitude test."

3. As per the advertisement the students were required to appear for Common Entrance Test (CET). The CET was conducted on 6th June 2003 and the petitioners appeared for CET and on the basis of their performance in CET they were selected for first year course. Petitioners thereafter completed the terms of first year and appeared for annual examination held by Pune University in May 2004. Result of F.Y.B.Arch Course came to be declared on 8th June 2004.

However, result of petitioners was withheld on the ground that they are not eligible as per the norms prescribed by the Director of Technical Education.

4. It appears that after holding C.E.T. college forwarded the list of selected students to the Council of Architecture, New Delhi. The Council of Architecture approved selection by applying eligibility criteria and informed the Director of Technical Education that the students selected by respondent college are eligible to pursue B.Arch course. Director of Technical Education however, seems to have followed the eligibility criteria fixed by AICTE and as petitioners did not have 50% aggregate marks in the subjects of Physics, Chemistry and Mathematics, result of petitioners was withheld.

5. In Writ Petition No.5942 of 2004 (Shri Prince Shivaji Maratha Boarding House's College of Architecture, Kolhapur and Ors. Vs. State of Maharashtra & Ors.) decided on 8th September 2004, Division Bench of this Court has held that the provisions of All India Council of Technical

Education Act, 1987 do not override the provisions of the Architects Act, 1972 and as far as the Architectural institutions are concerned final authority for the purposes of fixing the norms and standards would be the Council of Architect.

6. In the light of the decision of the Division Bench since the petitioners were eligible as per the norms fixed by the Council of Architecture, we hold that the petitioners were rightly admitted to the first year B.Arch course and the Pune University is directed to forthwith declare results of petitioners.

7. Rule is accordingly made absolute with no costs. Parties to act on an authenticated copy of this order.

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